



2/14/06

FINAL PASSAGE

SB 1024 (Hardiman)

Senate Bill 1024 would amend the Michigan Penal Code to delete current prohibitions against interfering with telegraph and telephone communications and establish new prohibitions against interfering with any electronic medium of communication. The Code prohibits a person from willfully or maliciously cutting, breaking, tapping, or making any connection with any telegraph or telephone line, wire, or cable; reading or copying any message from an unlawfully cut or tapped telegraph or telephone line, wire, or cable; maliciously preventing, obstructing, or delaying the sending, conveyance, or delivery of any authorized communication by or through any telegraph or telephone line, cable, or wire under the control of any telegraph or telephone company doing business in Michigan; or willfully and maliciously aiding, agreeing with, employing, or conspiring with any other person to do any of the above. A violation is a misdemeanor punishable by up to two years' imprisonment, a maximum fine of \$1,000, or both.

- *Committee S-3 was adopted.*
- *SB 1024 was moved to 3rd Reading of Bills.*
- **SB 1024 was passed with IE [RC 74: 37 yes, 0 no].**

SB 1026 (Hardiman)

SB 1027 (Cropsey)

SB 1028 (Sanborn)

SB 1029 (Hammerstrom)

SB 1030 (Hammerstrom)

PROHIBIT UNION PREFERENCES

The bills would amend various statutes to prohibit the promulgation of a rule or exception to a rule under the Public Health Code, the Social Welfare Act, the Adult Foster Care Licensing Act, and the Mental Health Code that discriminated for or against providers, facilities, or employers based on whether they had a collective bargaining agreement with employees; or that used collective bargaining status, level of wages, or fringe benefits to demonstrate or excuse

compliance with State licensing or regulatory requirements. Drafted rules for adult foster care facilities and homes for the aged would give preferential status to providers that had a collective bargaining agreement with their employees. The rules would establish increased administrative and reporting requirements for all licensed facilities in the State, but would consider the existence of a collective bargaining agreement to signify compliance with the requirements. The rules would favor facilities using organized labor, and could send the signal that the easiest way to comply with the rules would be to enter into a collective bargaining agreement.

Senate Bill 1026 would amend the Administrative Procedures Act to specify that a rule or exception to a rule promulgated under the following statutes (Public Health Code, the Social Welfare Act the Adult Foster Care Facility Licensing Act, the Mental Health Code) could not discriminate in favor of or against any provider, facility, or employer based on the presence or lack of a collective bargaining agreement with employees, and collective bargaining status, level of wages, or fringe benefits could not be used to demonstrate or excuse compliance with State licensing or regulatory requirements/

- Hardiman 1a was adopted [no RC].
- Committee S-1 was adopted.
- SB 1026 was moved to 3rd Reading.
- Jacobs 1 was not adopted [RC 66: 15 yes, 22 no]. [Prohibit state funds from any employer that discriminates against unions].
- SB 1026 was passed with IE [RC 67: 22 yes, 15 no].

Senate Bills 1027, 1028, 1029, and 1030 would amend the Adult Foster Care Facility Licensing Act, the Social Welfare Act, the Public Health Code, and the Mental Health Code, respectively, to specify that a rule or an exception to a rule promulgated under the Act or Code could not discriminate in favor of or against any provider, facility, or employer licensed under the Act or Code based on the presence or lack of a collective bargaining agreement with employees, and collective bargaining status, level of wages, or fringe benefits could not be used to demonstrate or excuse compliance with State licensing or regulatory requirements.

SB 1027:

- Committee S-1 was adopted.
- SB 1027 was moved to 3rd Reading.
- SB 1027 was passed with IE [RC 68: 22 yes, 15 no].

SB 1028:

- Committee S-1 was adopted.
- SB 1028 was moved to 3rd Reading.
- SB 1028 was passed with IE [RC 69: 22 yes, 15 no].

SB 1029:

- Hardiman 1a was adopted.

- Committee S-1 was adopted.
- SB 1029 was moved to 3rd Reading.
- SB 1029 was passed with IE [RC 70: 22 yes, 15 no].

SB 1030:

- Committee S-1 was adopted.
- SB 1030 was moved to 3rd Reading.
- SB 1030 was passed with IE [RC 71: 22 yes, 15 no].

HB 4544 (Elsenheimer)

HB 4727 (Elsenheimer)

House Bill 4544 would make it so that a person who had been convicted of one or more felonies during the preceding five years would be prohibited from carrying or possessing a radio that would receive signals on a frequency assigned by the Federal Communications Commission (FCC) for purposes of law enforcement, fire-fighting, emergency medical, homeland security, or Federal, State, or local corrections. A violation would be a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000 (the current penalty for a violation). As currently provided, this prohibition would not apply to a person who was licensed by the FCC as an amateur radio operator.

- *Cropsey 1a was adopted.*
- *Committee S-1 was adopted.*
- *HB 4544 was moved to 3rd Reading of Bills.*
- **HB 4544 was passed with IE [RC 72: 37 yes, 0 no].**

House Bill 4727 would list the felony offense proposed by House Bill 4544 (H-2) in the sentencing guidelines. Carrying or possessing a scanner in the commission of a crime would be a Class G felony against the public order, with a statutory maximum sentence of two years' imprisonment.

- *Committee S-1 was adopted.*
- *HB 4727 was moved to 3rd Reading of Bills.*
- **HB 4727 was passed with IE [RC 73: 37 yes, 0 no].**

HB 5043 (Schuitmaker)

HB 5044 (Schuitmaker)

The bills would make it a felony to tamper with, interrupt, copy a message from, or use without authorization a telegraph line, wire, cable, telephone, or electronic medium of communication.

House Bill 5043 would amend the Michigan Penal Code to eliminate the current prohibition detailed above and replace it with updated language to include forms of communication using the Internet, computers, and computer networks. The new language would prohibit a person from willfully and maliciously doing any of the following:

- *Committee S-1 was adopted.*
- *HB 5043 was moved to 3rd Reading of Bills.*
- **HB 5043 was passed with IE [RC 75: 37 yes, 0 no].**

House Bill 5044 would amend the sentencing guidelines portion of the Code of Criminal Procedure to specify that damaging, destroying, or using an electric medium of communication without authorization would be a Class H felony against the public order with a two-year maximum term of imprisonment.

- *Cropsey 1a was adopted.*
- *Committee S-1 was adopted.*
- *HB 5044 was moved to 3rd Reading of Bills.*
- **HB 5044 was passed with IE [RC 76: 37 yes, 0 no].**